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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES D. LINDER

Appeal 2009-002895
Application 10/034,491
Technology Center 2100

Decided: February 2, 2010

Before JOSEPH L. DIXON, JOHN A. JEFFERY, and
DEBRA K. STEPHENS, *Administrative Patent Judges*.

DIXON, *Administrative Patent Judge*.

DECISION ON APPEAL

Appeal 2009-002895
Application 10/034,491

The Appellant appeals under 35 U.S.C. § 134(a) from the final rejection of claims 1-16 and 18-24. Claim 17 has been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

I. STATEMENT OF THE CASE

The Invention

The invention at issue on appeal generally relates to a Computer Aided Design (CAD) system which includes business process attributes (Spec. 1).

The Illustrative Claim

Claim 18, an illustrative claim, reads as follows:

18. A data processing system, comprising:

a user interface operable to display information to a user and to receive commands from a user accessing a digital model data set;

a digital model data set comprising data associated with the form of mechanical structures;

a business process attribute data set linked to the digital model data set such that various elements within the digital model data set are linked to business process attributes within the business process attribute data set such that users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical

component defined by the digital model data set is displayed to the user; and

a knowledge base data set engine coupled to and operable to access various knowledge base data sets, the knowledge base data set engine operable to inferentially apply business process attributes to features within the digital model data set responsive to information linked to such features within the knowledge base data sets accessible to the knowledge base data set engine.

The References

The Examiner relies on the following references as evidence:

Badders	5,625,798	Apr. 29, 1997
Thackston	6,295,513 B1	Sept. 25, 2001
McCloskey	US 2002/0026385A1	Feb. 28, 2002 (Filed June 1, 2001)

The Rejections

The following rejections are before us for review:

Claims 1, 3, 7, 9, 12, 14, 18, 20, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Badders.

Claims 2, 4, 8, 10, 13, 15, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Badders in view of Thackston.

Claims 5, 6, 11, 16, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Badders in view of Thackston, and further in view of McCloskey.

II. ISSUE

Has Appellant shown that the Examiner erred in identifying that Badders discloses “users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user,” as recited in independent claim 18?

Has Appellant shown that the Examiner erred in identifying that Badders discloses “automatically inferentially applying business process attributes to features within the digital model data set,” as recited in independent claim 12?

III. PRINCIPLES OF LAW

Prima Facie Case of Unpatentability

Appellants have the opportunity on appeal to the Board of Patent Appeals and Interferences (BPAI) to demonstrate error in the Examiner’s position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) (citing *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

Claim Interpretation

The claim construction analysis begins with the words of the claim. *See Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). Absent an express intent to impart a novel meaning to a claim term, the words take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. *Brookhill-Wilk I, LLC. v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 (Fed. Cir. 2003) (citation omitted).

“Giving claims their broadest reasonable construction ‘serves the public interest by reducing the possibility that claims, finally allowed, will be given broader scope than is justified.’” *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (quoting *In re Yamamoto*, 740 F.2d 1569, 1571 (Fed. Cir. 1984)) (citation omitted). “An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.” *In re Zletz*, 893 F.2d 319, 322 (Fed. Cir. 1989). “Construing claims broadly during prosecution is not unfair to the applicant . . . , because the applicant has the opportunity to amend the claims to obtain more precise claim coverage.” 367 F.3d at 1364 (citation omitted).

Anticipation

“[A]nticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim” *In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457 (Fed. Cir. 1984)). “[A]bsence from the reference of any claimed element negates anticipation.” *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986), *overruled on other grounds by Knorr-Bremse Systeme Fuer Nutzfahrzeuge GmbH v. Dana Corp.*, 383 F.3d 1337 (Fed.Cir. 2004).

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375-76 (Fed. Cir. 2005) (citation omitted).

Obviousness

“Obviousness is a question of law based on underlying findings of fact.” *In re Kubin*, 561 F.3d 1351, 1355 (Fed. Cir. 2009). The underlying factual inquiries are: (1) the scope and content of the prior art, (2) the differences between the prior art and the claims at issue, (3) the level of ordinary skill in the pertinent art, and (4) secondary considerations of nonobviousness. *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (citation omitted).

IV. FINDINGS OF FACT

The following findings of fact (FFs) are supported by a preponderance of the evidence.

Badders

1. Badders discloses a CAD system for drawing that the business process attributes associated to the components being drawn by CAD are appended (applied) from the memory 54 into a database file 52 while drawing the components. The database file 52 contained the business process attributes is then translated into an output file that is either printed or displayed after the user has finished the CAD drawing. (Col. 4, l. 57-col. 5, l. 15.)

Thackston

2. Thackston is cited to only show that the business process attribute comprises quality information and revision information (Ans. 5-6).

3. Thackston discloses a quality assurance processing module for the quality assurance rating capability of the CAD system such that the quality rating levels are included:

In one embodiment, GMR server system 1000 may be accessed by the prime contractor for browser pages or the like to provide a performance assessment. The quality assurance survey may include a series of questions which can be answered quantitatively (e.g., answered as 1-5, with "5" being "excellent" or "strongly agreed" and "1" being "poor" or "strongly disagree"). Such data can be compiled and statistically aggregated into a series, or one overall, quality assurance rating. The quality assurance browser forms may also include questions to be answered in a narrative manner, not necessarily to be compiled, but to be made available to subsequent users of the GMR system. Quality assurance processing module 2905 supports not only the collection and compilation of such data, but also the distribution of the data to system users.

(Col. 41, ll. 13-26.)

4. Thackston also discloses that version information and a revision history are maintained in CAD files:

For example, as previously discussed, version numbers may be assigned to each baseline part design model and to each working copy part design model. A revision history of the baseline part design model may be maintained. Strict check-in and check-out procedures may be enforced. Digital signatures may be required for any change to the baseline part design

model and associated PDM documents (specifications and the like).

(Col. 29, ll. 25-32.)

McCloskey

5. McCloskey is cited to only show that the business process attribute comprises an information link that has a network address at which the information is stored (Ans. 7).

6. McCloskey discloses a CAD system that has the capability of linking the web document related to the components through a hyperlink:

In Fig. 3E the user operates the client device 12 to select a category, i.e., “mechanical pumps” hyperlink 36 from the display 24 generated by the received web page document. The client application 22 detects activation of the “mechanical pumps” category hyperlink and generates a signal indicating the URL of the next file to be retrieved by the server 14.

[¶0054].

V. ANALYSIS

The Examiner sets forth a detailed explanation supporting unpatentability in the Examiner’s Answer. Therefore, we look to Appellant’s Briefs to show error in the Examiner’s conclusions.

The Common Feature in Claims

Independent claim 18, recites, *inter alia*, “users of the data processing system are displayed business process attribute display elements when a

display element associated with a mechanical component defined by the digital model data set is displayed to the user.” Independent claim 1 contains the same limitations.

35 U.S.C. § 102(b) rejections

With respect to claim 18, the Appellant contends that Badders fails to disclose “displaying business process attribute display elements when a mechanical component is displayed to the user.” (App. Br. 14.)

The Examiner maintains that “Badders teaches automatically extracting and providing to a [sic] user attribute information relating to components of a CAD system drawing” (Ans. 9). We disagree.

The claim language expressly recites displaying the business process attribute when a mechanical component is displayed to the user. Even though we agree with the Examiner that “the specific type of attribute is non-functional descriptive material, and the type of attribute described does not change the functionality of the invention” (Ans. 8), the Examiner’s interpretation of Badders does not address the limitation of displaying associated business process attribute when displaying a mechanical component to the user (Ans. 9). We also find that Badders only discloses appending the business process attribute information associated to a mechanical component to a data file when the mechanical component is drawn (FF 1) and after the CAD drawing, a user can print or display the

associated business process attribute (FF 1). Thus, Badders does not display to “users of the data processing system . . . *business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed* to the user,” as claimed in claim 18 (emphasis added). The Examiner has not shown where Badders discloses the argued limitations in independent claim 18. Because we agree with at least one of the Appellant’s contentions, we cannot sustain the Examiner’s anticipation rejection of claim 18. The rejection of dependent claim 20 contains the same deficiency. Independent claim 1 contains the same limitations as those of claim 18, and we similarly cannot sustain the Examiner’s anticipation rejection of claim 1. The rejection of dependent claims 3, 7, 9, and 24 contains the same noted deficiency.

Accordingly, we cannot sustain the anticipation rejection of claims 1, 3, 7, 9, 18, 20, and 24.

With respect to claim 12, we note that claim 12 only requires displaying the associated business information, but does not require the temporal relationship of displaying the associated business information when displaying the mechanical component. Thus, the claim language of claim 12 “displaying business process attribute display instances associated with business process attributes linked to the displayed features within the digital model data set” can be read on the teaching of Badders (FF 1).

The Appellant further contends that Badders does not teach or suggest “automatically inferentially applying business process attributes to features within the digital model data set.” (App. Br. 15; Reply Br. 4). In particular,

Badders “explicitly states that the database file is initially empty” (App. Br. 15) and “[a]ppending graphical attribute information and providing the extracted attribute information to a user in a hard copy report does not teach or suggest automatically inferentially applying business process attributes to features within the digital model data set.” (Reply Br. 4.)

We disagree with the Appellant’s contentions. “[T]he digital model data set” can be read on the data set stored in the memory 54 such as standard CAD blocks with attributes (FF 1). “[A]utomatically inferentially applying business process attributes to features” can be read on automatic extraction of the attributes of CAD blocks drawn by CAD software 56 to the database file 52 (FF 1). Thus, we find that Badders teaches the argued limitation (FF 1). Accordingly, we sustain the Examiner’s anticipation rejection of claim 12. Since we sustain the Examiner’s anticipation rejection of independent claim 12, we also sustain the anticipation rejection of dependent claim 14, which has not been separately argued. 37 C.F.R. § 41.37(c)(1)(vii). *See also In re Nielson*, 816 F.2d 1567, 1572 (Fed. Cir. 1987).

35 U.S.C. § 103(a) rejections

With respect to claims 2, 4-6, 8, 10, 11, 19, and 21-23, these claims depend from the independent claims 1 and 18. Since we cannot sustain the Examiner’s anticipation rejection of claims 1 and 18, and the additional relied upon references of Thackston and McCloskey (FF 2 and FF 5) do not

remedy the noted deficiency, we also can not sustain the obviousness rejection of claims 2, 4-6, 8, 10, 11, 19, and 21-23.

With respect to dependent claim 13, the Appellant contends that “this rejection is improper because *Thackston* does not disclose quality level information.” (App. Br.16) and “the name of a manufacturing standard does not teach or suggest a quality level.” (Reply Br. 5).

We disagree with the Appellant’s contentions. We find that *Thackston* teaches the quantitative level 1-5 for processing quality assurance of CAD design (FF 3). Accordingly, we sustain the Examiner’s obviousness rejection of claim 13.

With respect to dependent claim 15, the Appellant contends that “the cited references do not disclose revision information associated with features within the digital model data set.” (App. Br. 17.)

We disagree with the Appellant’s contention. We find that *Thackston* teaches that the version information and the revision history of the part design model are maintained for the user to review (FF 4). Accordingly, we sustain the Examiner’s obviousness rejection of claim 15.

With respect to dependent claim 16, the Appellant contends that “at no point does *McCloskey* teach or suggest an information address attribute related to a component within the digital model data set.” (App. Br. 17.)

We disagree with the Appellant’s contention. We find that *McCloskey* teaches the hyperlink to the URL address that contains the documents related to “mechanical pump,” a component within the digital

model data set (FF 6). Accordingly, we sustain the Examiner's obviousness rejection of claim 16.

VI. CONCLUSION

We conclude that the Appellant has shown that the Examiner erred by failing in identifying Badders discloses "users of the data processing system are displayed business process attribute display elements when a display element associated with a mechanical component defined by the digital model data set is displayed to the user," as recited in independent claim 18.

We also conclude that the Appellant has not shown that the Examiner erred in identifying that Badders discloses "automatically inferentially applying business process attributes to features within the digital model data set," as recited in independent claim 12

VII. ORDER

We reverse the anticipation rejections of claims 1, 3, 7, 9, 18, 20, and 24 under 35 U.S.C. § 102(b).

We also reverse the obviousness rejections of claims 2, 4-6, 8, 10-11, and 19-23 under 35 U.S.C. § 103(a).

We affirm the anticipation rejections of claims 12 and 14 under 35 U.S.C. § 102(b).

We also affirm the obviousness rejections of claims 13, 15, and 16 under 35 U.S.C. § 103(a).

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Application 10/034,491

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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